

By: Leach

H.B. No. 1338

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the punishment for the offense of burglary of a vehicle;
3 increasing a criminal penalty.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Sections 30.04(d) and (e), Penal Code, are
6 amended to read as follows:

7 (d) An offense under this section is a state jail felony
8 [~~Class A misdemeanor~~], except that:

9 (1) the offense is a state jail felony [~~Class A~~
10 ~~misdemeanor~~] with a minimum term of confinement of one year [~~six~~
11 ~~months~~] if it is shown on the trial of the offense that the
12 defendant has been previously convicted of an offense under this
13 section; and

14 (2) the offense is a [~~state jail~~] felony of the third
15 degree if [~~+~~

16 [~~(A)~~] it is shown on the trial of the offense that
17 the defendant has been previously convicted two or more times of an
18 offense under this section [~~+~~ ~~or~~

19 [~~(B) the vehicle or part of the vehicle broken~~
20 ~~into or entered is a rail car~~].

21 (e) It is a defense to prosecution under this section that
22 the actor:

23 (1) entered a rail car or any part of a rail car,
24 including a container or trailer carried on a rail car; and

1 (2) was at that time an employee or a representative of
2 employees exercising a right under the Railway Labor Act (45 U.S.C.
3 Section 151 et seq.).

4 SECTION 2. Article 42A.304(b), Code of Criminal Procedure,
5 is amended to read as follows:

6 (b) The amount of community service work ordered by the
7 judge may not exceed:

8 (1) 1,000 hours for an offense classified as a first
9 degree felony;

10 (2) 800 hours for an offense classified as a second
11 degree felony;

12 (3) 600 hours for:

13 (A) an offense classified as a third degree
14 felony; or

15 (B) an offense under Section 30.04, Penal Code,
16 classified as a state jail felony [~~Class A misdemeanor~~];

17 (4) 400 hours for an offense classified as a state jail
18 felony;

19 (5) 200 hours for:

20 (A) an offense classified as a Class A
21 misdemeanor, other than an offense described by Subdivision (3)(B);

22 or

23 (B) a misdemeanor for which the maximum
24 permissible confinement, if any, exceeds six months or the maximum
25 permissible fine, if any, exceeds \$4,000; and

26 (6) 100 hours for:

27 (A) an offense classified as a Class B

1 misdemeanor; or

2 (B) a misdemeanor for which the maximum
3 permissible confinement, if any, does not exceed six months and the
4 maximum permissible fine, if any, does not exceed \$4,000.

5 SECTION 3. The following provisions are repealed:

6 (1) Article 42A.057, Code of Criminal Procedure; and

7 (2) Section 30.04(c), Penal Code.

8 SECTION 4. The changes in law made by this Act apply only to
9 an offense committed on or after the effective date of this Act. An
10 offense committed before the effective date of this Act is governed
11 by the law in effect when the offense was committed, and the former
12 law is continued in effect for that purpose. For purposes of this
13 section, an offense was committed before the effective date of this
14 Act if any element of the offense occurred before that date.

15 SECTION 5. This Act takes effect September 1, 2017.